

REMARKS

Reconsideration of this application is respectfully requested. Claims 1, 2 and 5-15 remain in the case and are again presented for consideration.

Initially, the undersigned would like to thank the examiner for the courteous telephone interview that took place on March 8, 2010, and to confirm the substance of the interview as stated in the Interview Summary mailed March 10, 2010. Specifically, the discussion concerned the application of Jeffries et al. in the present action in combination with Boreali. The examiner confirmed that the rejection had been previously imposed and that Jeffries et al. did not appear to teach the direct application of the labels to the object from the web transporting them. As noted by the examiner, Jeffries et al. use a plunger to place the labels on the object and thus teach an intermediate step where the individual labels have been separated from the remainder of the label stock and taken up by the plunger, after which they are applied to the object or container.

Accordingly, in confirmation of the substance of the interview, applicant presents below a discussion of the outstanding rejections and applicant's rebuttal thereto.

Claim Rejections – 35 USC §103

Claims 1, 2, 5, 6, 8, 10, 11 and 12 have been rejected under 35 USC §103(a) as unpatentable over Boreali (US 5,573,621) in view of Jeffries (US 3,880,692). As this rejection may pertain to the present claims, it is traversed.

Boreali concerns the processing of what the patentee calls 'non-quadrilateral' single-ply labels, and by 'non-quadrilateral' the patentee intends labels that are circular, oval, triangular, etc. and thus not square or rectangular (column 1, lines 8-10). Moreover, the labels in Boreali are designed and manufactured to be connected in a 'string', with the 'string' or connection being specifically about 0.018-0.030 inches in width (column 3, lines 43, 61 and 66). By contrast, the present system and method imposes no such size limitation on either the shape of the labels, or the size of the connections between adjacent label units. This distinction is important as the remainder of the reference is considered.

The Boreali method and system employs three stages of operation. The first is to remove the waste material which surrounds the labels, the second operation is to remove the leading label from the remaining strip of labels and the third operation is to move the *separated* label for subsequent application. The first operation is achieved as shown with regard to Figure 5 and accompanying description, in which there is provided a guide 22 which guides the strip of labels onwards, with the waste material 17 being led upwards as indicated by arrow 30 to be separated from the strip of labels. It is this stage of the Boreali method that continues to be a relevant distinction from the present method.

To reiterate, at this stage of the Boreali method, the strip of labels remains intact and indeed there is no possibility of the leading label being separated, as there is no apparatus provided to do so. This therefore means that in Boreali, downstream of the matrix separation, apparatus for the second operation is required to be provided. This apparatus comprises bursting rollers 34, 35 and a blade 36. This operation separates the leading label and even then, further apparatus is required in order to grab and move the separated leading label for subsequent use. Examples of this apparatus are provided in Figures 7-13 of the reference.

Applicant hastens to point out, that no such apparatus is either necessary or is provided in the practice of the present method, and that instead, the relative movement of the lead label, already attached to the product container at its forward edge, in relation to the remainder of the label web, results in the severance of the lead label therefrom and its freedom for subsequent movement into complete adhesive contact with the product container surface.

In similar fashion to the analysis of Jeffries and Boreali in a prior filed response, the former reference likewise fails to cure the deficiencies of the latter, as Jeffries concerns itself with an apparatus that controls the application of adhesive to a surface of a label. More particularly, Jeffries et al. is generally directed to an apparatus for the application of adhesive to a web (of labels), which comprises a clamp assembly for securing a label against a plunger as it is being separated from its web. The feature of Jeffries et al. is the provision of a web clamp that prevents unwanted accumulation of the adhesive thereon.

An important distinction between Jeffries et al. and the present invention, is that the reference expressly functions to remove (separate) the labels from their webs, apply adhesive to one side thereof, and then place the labels on the final products. This is in direct distinction to the method of the present invention, where the label travels from connection to the conveying web, into direct contact with the surface of the object to which it is to be applied. Thus, Jeffries et al. , like Boreali with its second operation discussed above, separate their labels from the remainder of the web and perform a separate operation with the labels, before placing them in contact with the surface of the product container.

Importantly, Jeffries fails to disclose that a web bearing a series of labels, all as set forth in claim 1 as amended, could be prepared and used in a method where the labels move directly from attachment to the web to application to a product (see instant claim 1, at lines 11-17).

Thus, assuming arguendo, that the combination of Jeffries and Boreali is proper, which applicant submits, is not so, it still fails from a factual standpoint, to provide the necessary suggestion to the artisan that the present method as claimed could be arrived at and practiced.

For this reason, therefore, the rejection as it may pertain to the combination of Boreali and Jeffries et al. is believed to be overcome, and withdrawal thereof is requested.

Claim 9 has been rejected under 35 USC Section 103(a) as unpatentable over Boreali in view of Jeffries et al., and further in view of West et al. (US 5,275,678). As this rejection may pertain to the claims as amended, it is traversed.

The deficiencies of Boreali and Jeffries et al. have been pointed out with respect to the rejection discussed above, and such comments are reiterated and incorporated herein. Like Jeffries et al., West et al. fails to cure the deficiencies of the primary reference, as the same teachings that are missing from the primary reference are not supplied by this secondary reference. West et al. is directed to a means by which labels bearing adhesive are treated prior to application so that the adhesive will operatively secure the labels onto containers. There is, however, no disclosure in West et al. of the construction of the labels of the present invention or

the specific method of the present invention, by which the labels are dispensed and conveyed directly from attachment to web of labels, into contact with the product container surface. Thus, the combination of West et al. with Boreali and Jeffries et al. remains deficient and does not provide the requisite teaching to the artisan to arrive at the present invention. Accordingly, withdrawal of the rejection as it may be based on West et al., Boreali and Jeffries et al. is believed to be in order, and is requested.

Claims 7, 13, 14 and 15 have been rejected under 35 USC Section 103(a) as unpatentable over Bekker-Madsen in view of Osaka (US 6,030,482). As this rejection may pertain to the claims as amended, it is traversed.

Bekker-Madsen has been cited and discussed in previous office submissions, and the substance of those discussions are incorporated herein by reference. Bekker-Madsen concerns a system where a strip of labels is pre-punched with selected portions retained (referred to as 'adhesive bridges'). In Bekker-Madsen, as in Boreali discussed above, the labels reach a station where they are to be readied for application to a container, and at this station they are completely severed from the skeleton of the web. The thus severed labels are then applied by separate mechanisms, such as pressurized air following retention in position by suction.

Importantly, it is clear from Bekker-Madsen that the label is required to be separated from the remainder material before the label is applied to the product container. For example, in column 5, lines 34-36, the label which is to be applied to the container, is stated as being separated and so the label is completely released from the backing material strip and, in column 7, lines 5-14, it is clear that the individual labels are released from the skeleton material strip by the use of punchers or cutters to break the remaining bridges between the label and the other material. In contrast, in the current invention, there is no need to provide punchers, cutters or any other removal device as it is the adherence of the protruding edge of each of the labels on the product container to which the same is to be applied, which causes the remaining bridges between the leading label and the other labels and material to be broken.

As a further point of distinction, in Bekker-Madsen, the adhesive to form the label, is not applied until the label is removed from a backing strip and the label has reached the labeling position; see, for example, column 2, lines 65-69 of the reference. In contrast and as now clearly set out in claim 1 as amended, the label which is applied is a self adhesive label in the current invention and furthermore, no change in condition is required to be performed on the label between movement from the web to the product container. Thus, the label in Bekker-Madsen, is quite clearly not a self adhesive label in the same form as currently claimed, nor is it on a single layer web as are the labels of claim 7 of the present invention. Further, while column 3 of Bekker-Madsen, at lines 10-15, suggests that an inactive adhesive may be provided on the label at all times, there is still required to be performed an action which renders the inactive adhesive, active, before application to the product.

In the present invention it has been identified that it is possible to apply the leading end of the leading label to the product container while still connected to other labels and the surrounding matrix and to allow the relative movement between the container and label to cause both the separation of the label from the web material and the remaining labels at the same time. This therefore achieves a result which cannot be achieved in Bekker-Madsen.

The deficiencies of Bekker-Madsen are not remedied by Osaka, as Osaka relates only to the application of a silicone layer over the printing or first surface of a label, to act as a release material. There is no disclosure in Osaka of the single layer construction of the present web or the means by which the present labels are directly applied to product containers while still connected to the remainder of the labels. Thus, the rejection as it may be based on the combination of Bekker-Madsen and Osaka is believed to be deficient and overcome, and withdrawal thereof is likewise requested.

Conclusion

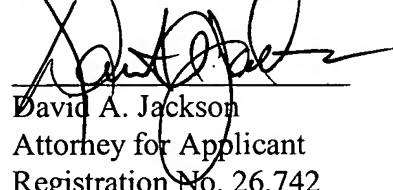
To summarize, applicant believes that patentable subject matter has now been clearly defined and that all grounds of rejection have been overcome. Should the Examiner believe that

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other issues remain for resolution, she is invited to call the undersigned at the number listed below.

In view of the above and foregoing, reconsideration and withdrawal of the outstanding grounds of objection and rejection and early allowance of the claims as amended is believed to be in order and is courteously solicited.

Respectfully submitted,


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